



Ruth Yodaiken's comments are her own and do not necessarily reflect the opinion of the FTC.

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Discussion

The U.S. Federal Trade Commission (FTC)

- Background
- Approach to privacy generally
- Privacy Framework



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Background

- FTC is an independent agency
- Consumer protection and competition mandate
- Law enforcement actions against companies
- Policy work –
 - public workshops, Congressional testimony, consumer education, and guidance to business

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Background on Consumer Protection

- Not generally industry/sector specific
 - Unlike Department of Energy
 - Unlike state utility regulators
- Not a privacy-only agency
 - Focus includes data-security, fraud, general advertising and marketing, and other business practices
 - Some specific rules- children online, telemarketing
- Privacy has been a key consumer protection priority

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“unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.”

Federal Trade Commission Act,
Section 5 (15 USC § 45)

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Privacy Roundtables (workshops)

- Three public roundtables 2009-2010 to explore privacy in light of new technologies, including social media, and existing legal approach
- Resulted in a preliminary staff report



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Privacy Roundtable Themes

- Increased collection and use of consumer data
- Lack of understanding and informed consent
- Consumers are interested in privacy
- Benefits of data collection and use
- Decreasing relevance of the distinction between Personally Identifiable Information (PII) and some other information

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Privacy Report : Privacy Framework

- Issued Final Report, March 2012.
- Applies to commercial entities collecting and using data that can be reasonably linked to a specific consumer, computer, or device
 - Some exceptions, such as small amounts of data
- Best practices for industry- not a rule or law.

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Privacy Report : Privacy Framework

- Key elements:
 - Privacy by Design
 - Simplified Choice
 - Greater Transparency
- Based on FIPPs.

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Privacy Report : Privacy Framework

- Privacy by Design
 - Substantive principles- examples
 - Security
 - Limitations on collection
 - Accuracy requirements
 - Procedural measures- examples
 - Employee training
 - Risk assessment

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Privacy Report : Privacy Framework

- Simplified Choice
 - Context of the transaction
- Greater Transparency

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